

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

DOCKET NO. 2019-94-T

Application of)	
)	
E. E. WARD MOVING & STORAGE)	CONSENT MOTION FOR
CO., LLC)	PERMISSION TO PRESENT SHIPPER
)	WITNESS TESTIMONY BY
)	AFFIDAVIT
For a Class E (Household Goods))	
Certificate of Public Convenience and)	
Necessity for Operation of a Motor Vehicle)	

EE Ward Moving & Storage Co., LLC (“EE Ward” or “Applicant”) moves for permission to present the testimony of its shipper witness by affidavit. The Commission’s regulation concerning the proof required to support an application for a Certificate of Public and Convenience and Necessity for a Class E mover of household goods with statewide authority is Found in S.C. Code Regs. 103-333 (the “Regulation”).

Regarding the testimony of shipper witnesses, the Regulation states:

PC&N (Household Goods or Hazardous Waste for Disposal). An application for a Certificate of PC&N or to amend a Certificate of PC&N to operate as a carrier of household goods or hazardous waste for disposal by motor vehicle may be approved upon a showing that the application is fit, willing, and able to appropriately perform the proposed service and that public convenience and necessity are not already being served in the territory by existing authorized service. The public convenience and necessity criterion must be shown by the use of shipper witnesses, if the applicant applies for authority for more than three contiguous counties. If the commission determines that the public convenience and necessity is already being served, the commission may deny the application. The following criteria should be used by the commission in determining that an applicant for motor carrier operating authority is fit, willing, and able to provide the requested service to the public:

S.C. Code Regs. 103-133.1 (emphasis added)

In the interest of administrative economy (judicial economy in the administrative law context), the Applicant requests that the Commission allow the regulation's requirement of "use of a shipper witness" to be satisfied by the submission of an affidavit.

While the Commission's practice historically has been to allow an Applicant to take the testimony of shipper witnesses by deposition to be used at the hearing, recently the Commission has approved the use of an affidavit. *See e.g.* Application of Midlands Movers, LLC, Docket No. 2018-268-T. The Office of Regulatory Staff (the only party other than the Applicant in this Docket) would have the right to contest the adequacy of an affidavit. Counsel for the Applicant has discussed this Motion with counsel for the ORS, and the ORS does not object to the relief sought herein.

Therefore, Applicant respectfully requests the Commission allow it to present the testimony of its shipper witness by affidavit. The applicant attaches the Shipper Witness Affidavit of Leslie Blaney as **Exhibit One** hereto

s/C. Fredric Marcinak

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